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FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

Federal Communications Commission
Office of the Secretary

In the Matter of ~~2002~~ Biennial Regulatory Review - Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, Notice of Proposed Rulemaking, MM Docket No. 02-277, (rel. Sept. 23, 2002)

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To: The Secretary, FCC Commissioners, and Chief, Media Bureau:

I am writing to you today to comment on Docket No. 02-277, the Biennial Review of the FCC's broadcast media ownership rules. In its goals to promote competition, diversity and localism in today's media market, I strongly believe that the FCC should retain all of the current media ownership rules now in question. These rules serve the public interest by limiting the market power of already huge companies in the broadcast industry.

I support the FCC's plan to hold a public hearing on this matter in Richmond, VA in February 2003. I strongly encourage the Commission to hold similar hearings in all parts of the country and solicit the widest possible participation from the public. The rarified, lawyerly atmosphere of an FCC rulemaking is not an appropriate decision-making venue when questions as profound as the freedom of our media are at stake. I encourage the Commissioners to come out and meet some of the people who do not have a financial interest in this issue, but a social interest.

With the serious impact these rule changes will have on our democracy, it is important that the Commission take the time to review these issues more thoroughly and allow the American people to have a meaningful say in the process.

As an employee of Jam Productions, Ltd., the country's largest independent concert and theatrical promoter, I can speak first hand about the effects of industry consolidation in the broadcast industries, having experienced the detrimental effects of consolidation in the concert industry.

In the concert industry, Clear Channel, the largest concert promoter in the country controls the vast majority of the live concert business. Clear Channel has exclusive contracts with numerous venues across the country, blocking access to other promoters, resulting in less choice available to consumers in live entertainment. Additionally, Clear Channel's guaranteed fees to the artists they promote are so exorbitant, that they must pass along this cost to the consumer, resulting in incredibly high-priced concert tickets, outside the reach of many fans. This has caused concert ticket prices and service charges to rise more than 60% over the past 6 years.

The same consolidation in the concert industry is affecting the broadcast industry. By eliminating the remaining media concentration rules, the diversity and independence of media outlets will be eroded so greatly as to leave the consumer with fewer choices in music. A few large corporations will control what music gets played and how often, resulting in bland, "safe" programming with little diversity, diminishing the quality of radio broadcasts. In effect, the democratic voice of consumers will be ignored (as they already are) as the large corporations work to serve their own interests, not the interests of the public. Without the current rules in place, there is no incentive by large corporations to vary radio broadcasts, create unique programming, or veer from playing the songs they want to promote, resulting in "less choice and no voice" for the consumer.

In addition, since 1996 radio stations have become very formidable competitors of concert promoters by offering radio airplay and promotion in exchange for the artists' appearance on their radio station concerts. Concert promoters cannot compete against radio stations concerts since we cannot offer anything that could match airplay and promotion.

As such, the FCC should retain all of the current media ownership rules now in question.

Sincerely,

JAM Productions, Ltd.

Jerry Mickelson

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